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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,700	09/30/2003	Brian V. Belmont	P16793	8134
25694	7590	12/19/2005	EXAMINER	
INTEL CORPORATION P.O. BOX 5326 SANTA CLARA, CA 95056-5326			KARIKARI, KWASI	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,700

Applicant(s)

BELMONT ET AL.

Examiner

Kwasi Karikari

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/30/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/12/2005 have been fully considered but they are not persuasive.

a) In response to applicant's argument that Simpsons's reference fails to teach "a data processing device or a machine" in claims 1,8,15 and 22, the Examiner still, respectfully maintains that Simpson's reference teaches the claimed limitations. As such, Simpson discloses that the wireless telephone includes a bus 202 to which an automatic answer unit 216 and a processor 204 are connected (see Page 3, line [0019]); whereby the bus 202 corresponds to the "connection" and the processor 204 and an automatic answer unit 216 correspond to the "data processor device" or the "machine".

It is also noted that the claimed limitations upon which the applicant relies (i.e "an external data processing device") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from specification are not read into the claims. See *In re Genus*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It appears that applicant's argument here is more specific than features, which are claimed.

In view of the above, the rejections using Simpson and Ihara are proper and maintained as set forth below. These rejections are made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6,8-13,15-20 and 22-27 are rejected under 35 U.S.C. 102(e) as being unpatentable over Simpson (U.S 20040266399 A1), (hereinafter Simpson)

Regarding **claims 1 and 15**, Simpson discloses a method /data processing device for managing an incoming call on a cell phone (wireless telephone 100) comprising:

receiving notification (wireless telephone rings, flashes or vibrates to alert the user of incoming call, see Page 3, line 0022) of the incoming call on a data processing device (100), the data processing device coupled to the cell phone via a connector (wireless telephone includes an automatic answer unit 216 and a processor 204 which are connected to a bus 202, see page 3, paragraph [0019]).

retrieving information (calling number or Caller ID is displayed in the display 102, see Page 3, line 0022) associated with the incoming call; and

enabling a user (a wireless telephone user, see Page 1, line 0004) to manage the incoming call by selecting an appropriate response (the wireless telephone user has an announcement options if he/she could not answer the call, see Page 2, line 0016).

Regarding **claim 2**, Simpson discloses a method according to claim 1 wherein retrieving the information associated with the incoming call further comprises at least one of:

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retrieving the information from the cell phone (wireless telephone displays the Caller ID in the display, see Page 2, line 0016);

retrieving the information from the data processing device; and

retrieving the information from a source coupled to the data processing device.

Regarding **claim 3**, Simpson discloses a method according to claim 1 wherein enabling the user to manage the incoming call further comprises one of:

enabling the user to configure a personal computer to automatically select the appropriate response; and

enabling the user to actively select the appropriate response (the wireless telephone user can select an announcement option that allow wireless phone to answer on his/her behalf, see Page 2, line 0016).

Regarding **claim 4**, Simpson discloses a method according to claim 3 wherein the appropriate response includes at least one of forwarding the incoming call, requesting a sender of the incoming call to send an instant message and responding to the incoming call with a voicemail message (the wireless telephone user can select an announcement option that allow wireless phone to answer on his/her behalf, see Page 2, line 0016).

Regarding **claim 5**, Simpson discloses a method according to claim 4 wherein responding to the incoming call with the voicemail message further comprises

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selecting one of a plurality of voicemail messages as the appropriate response (the wireless telephone user can select a specific voice mail announcement or a general announcement that allows wireless phone to answer on his/her behalf, see Page 2, line 0016).

Regarding **claim 6**, Simpson discloses a method according to claim 1 wherein receiving the incoming call further comprises receiving a signal from the cell phone indicating the incoming call (wireless telephone rings, flashes or vibrates to alert the user of a telephone call, see Page 3, line 0022).

Regarding **claims 8 and 22**, Simpson discloses an article/system comprising a machine-accessible medium (100) having stored thereon instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032) that, when executed by a machine (see Fig. 2, items 204, 206 and 212), cause the machine to manage an incoming call (see Fig. 3, item 302) on a cell phone (100) coupled to the machine by:

receiving notification of the incoming call on the machine (wireless telephone rings, flashes or vibrates to alert the user of incoming call, see Page 3, line 0022), the machine being coupled to the cell phone via a connection (wireless telephone includes an automatic answer unit 216 and a processor 204 which are connected to a bus 202, see page 3, paragraph [0019]).

retrieving information associated with the incoming call (calling number or Caller ID is displayed in the display 102, see Page 3, line 0022); and

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enabling a user to manage the incoming call by selecting an appropriate response (the wireless telephone user has an announcement options if he/she could not answer the call, see Page 2, line 0016).

Regarding **claims 9,16 and 23**, Simpson discloses the article/data processing device/system according to claims 1,8 and 22 wherein the instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032), when executed by the machine, further cause the machine to retrieve the information associated with the incoming call by performing at least one of:

retrieving the information from the cell phone (wireless telephone displays the Caller ID in the display, see Page 2, line 0016);

retrieving the information from the data processing device or;

retrieving the information from a source coupled to the data processing device.

Regarding **claims 10,17 and 24**, Simpson discloses the article/data processing device according to claims 8,15 and 22 wherein the instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032), when executed by the machine, further cause the machine to manage the incoming call by:

enabling the user to configure a personal computer to automatically select the appropriate response; and enabling the user to actively select the appropriate response (user has an option of choosing manual or auto answering mode in response to a telephone call, see Page 3, line 0021).

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Regarding **claims 11,18 and 25**, Simpson discloses a method the article/data processing device according to claims 10,17 and 24 wherein the instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032), when executed by the machine, further cause the machine to manage the incoming call by at least one of forwarding the incoming call, requesting a sender of the incoming call to send an instant message and responding to the incoming call with a voicemail message (the wireless telephone user can select a specific voice mail announcement or a general announcement that allows wireless phone to answer on his/her behalf, see Page 2, line 0016).

Regarding **claims 12,19 and 26**, Simpson discloses the article according to claims 11,18 and 25 wherein the instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032), when executed by the machine, further cause the machine to enable selection of one of a plurality of voicemail messages as the appropriate response (the wireless telephone user can select a specific voice mail announcement or a general announcement that allows wireless phone to answer on his/her behalf, see Page 2, line 0016).

Regarding **claims 13,20 and 27**, Simpson discloses the article according to claims 8,15 and 22 wherein the instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032), when executed by the machine, further cause the machine to receive a signal from the cell phone indicating the incoming call (wireless telephone rings, flashes or vibrates to alert the user of a telephone call, see Page 3, line 0022).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7,14,21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson as applied to claims 1,8,15 and 22 above, further in view of Ihara et al., (hereinafter Ihara) (US 20040185915 A1)

Regarding **claims 7,14,21 and 28** Simpson discloses the claimed limitations, but fails to teach according to claims 6,13,20 and 27 wherein the signal is an Attention Command ("AT") signal.

Ihara teaches a silent alerting capability for a Bluetooth hand-free device (see Page 1, line 0004). Ihara further discloses that the user answer at Fig. 3, item 328 initiates an "attention" command or "AT" command from HF device to AG device, see Page 3, line 0025).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Ihara and Simpson for the benefit of achieving a silent alert communication system.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Rogers et al., (U.S. 5,946,386) teaches a call management system with call control from user workstation computer.

Robinson et al., (U.S. 5,581,604) teaches a method and apparatus for processing an incoming call in a communication system.

McConnell (U.S. 6,418,306) teach a common message waiting notification across landline and wireless telecommunications networks.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-2856. The examiner can normally be reached on M-F (8 am - 4pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571- 272 5905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Charles Appiah', with a stylized flourish at the end.

CHARLES APPIAH
PRIMARY EXAMINER